

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

LEVI LUGINBYHL,)
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Plaintiff,)
)
)
vs.) **CIVIL NO. 09-cv-221-JPG**
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)
UNITED STATES of AMERICA, et al.,)
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)
Defendants.)
)

MEMORANDUM AND ORDER

GILBERT, District Judge:

Plaintiff, a prisoner proceeding *pro se*, has filed an Application to Proceed In Forma Pauperis pursuant to 28 U.S.C. § 1915 together with a civil action pursuant to 28 U.S.C. § 1651. However, Plaintiff has not submitted a certified copy of his prison trust fund account statement for the six-month period immediately preceding the filing of the complaint or [an affidavit that includes a statement of his assets as required by § 1915(a)(1).

IT IS HEREBY ORDERED that Plaintiff shall submit, within **THIRTY (30) DAYS** of the date of the entry of this order, both a certified copy of his prison trust fund account statement for the six-month period immediately preceding the filing of the complaint and an affidavit that includes a statement of his assets. Plaintiff is **ADVISED** that in the event he has been transferred among institutions during this six-month period, it is Plaintiff's responsibility to obtain a copy of his prison trust account statement from each such facility and to forward it to the Court. Plaintiff is **FURTHER ADVISED** that his obligation to pay the filing fee for this action was incurred at the time the action was filed; such an obligation will exist whether or not Plaintiff is granted leave to

proceed *in forma pauperis*. 28 U.S.C. § 1915(b)(1); *see also Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

IT IS FURTHER ORDERED that upon conclusion of this thirty-day period, should Plaintiff fail to comply with this order, this case will be closed for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *see generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

Plaintiff is **ADVISED** of his continuing obligation to keep the Clerk informed of any change in his whereabouts during the pendency of this action. This notification shall be done in writing and not later than seven (7) days after a transfer or other change in address occurs.

The Clerk is **DIRECTED** to provide Plaintiff with a copy of this District's *in forma pauperis* form to assist him in complying with this Order.

IT IS SO ORDERED.

Dated: April 6, 2009.

s/ J. Phil Gilbert
U. S. District Judge